

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**ERASTO ARROYO BARCENAS, et al.,**  
***Plaintiffs, Individually and on***  
***Behalf of the Class of Those***  
***Similarly Situated,***

**V.**

**STEVEN MCCRAW in his individual capacity, et al.,  
Defendants.**

**§ § 87(2)(b), (d) & (e)**

**Case No. 1:22-cv-00397-RP**

**JOINT MOTION FOR ENTRY OF SCHEDULING ORDER**

TO THE HONORABLE JUDGE ROBERT PITMAN:

NOW COME Plaintiffs Erasto Arroyo Barcenas, Melvin Amador Rodas, Ivan Ruano Nava, Nolis Leyva-Gonzalez, Jose Carlos Gomez-Colorado Jose Luis Dominguez-Rojas, Melvin Amaya Zelaya, Jesus Curipoma, Oscar Serrano Martinez, Christian Ivan Ruiz-Rodriguez, Israel Baylon Arellano, Jose Lopez Lozano, Miguel Lopez Lozano, Francisco Villalpando Ramos, and Cesar Galindo Escoto (“Plaintiffs”), together with Defendants Steven C. McCraw, Greg Abbott, Bryan Collier, Brad Coe, and Kinney County, Texas (“Defendants”) (collectively, “the Parties”). At present, some Defendants have been served with process while others have agreed to waive service. For the convenience of the Parties and the Court alike, the Parties jointly move for entry of a scheduling order setting a single deadline for Defendants’ responsive pleading(s), as well as responses and replies thereto.

## STANDARD OF REVIEW

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion if . . . a request is made before[] the original time or

its extension expires.” FED. R. CIV. P. 6(b)(1). District courts have “broad discretion to grant or deny an extension.” *Salts v. Eps*, 676 F.3d 468, 474 (5th Cir. 2012) (quoting Wright & Miller, Fed. Prac. & Proc. § 1165). “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” Fed. Prac. & Proc. § 1165.

#### **ARGUMENTS & AUTHORITIES**

The Parties respectfully submit that good cause exists for entry of a single deadline to govern Defendants’ responsive pleadings (and responses and replies thereto). Good cause exists for the extension and unified deadlines due to the length and complexity of the Complaint, as well as in the interests of economy and efficiency for the Court and the Parties.

The Parties jointly propose the following:

1. Defendants’ responsive pleading(s) shall be filed on or before July 11, 2022.
2. Plaintiffs’ response to Defendants’ responsive pleading(s), if any, shall be filed on or before August 24, 2022.
3. Defendants’ reply in support of their responsive pleading(s), if any, shall be filed on or before September 9, 2022.

#### **PRAYER**

For these reasons, the Parties respectfully ask the Court to enter a scheduling order containing the aforementioned deadlines.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower

**Benjamin L. Dower**

Deputy Chief, General Litigation Division